



DECISION RECORD
for
Hazardous Fuel Reduction Treatments
within the Revised Middle Cow LSR Landscape Planning Project
Environmental Assessment
(EA# OR118-05-022)

United States Department of the Interior
Bureau of Land Management
Medford District
Glendale Resource Area

I. INTRODUCTION

The Middle Cow LSR Project is a landscape scale project that includes several forest management treatments designed to meet multiple federal directives such as the Medford District Resource Management Plan (RMP), the Northwest Forest Plan, and the National Fire Plan. This decision is applicable only to the hazardous fuel reduction treatments and related biomass utilization activities associated with the Middle Cow LSR project. Decisions regarding stewardship projects will be issued separately. The final decision document for timber sales was issued in August 2006.

II. DECISION

I have decided to implement the proposed hazardous fuel reduction treatments and related biomass utilization as described in Alternative 2 of the Revised Middle Cow LSR Landscape Planning Project Environmental Assessment (revised EA) including the Project Design Features (PDFs). This decision includes implementing these treatments on approximately 2,500 acres of forest land by the general prescription of slashing, hand piling, pile burning, and underburning. Descriptions of these treatments, biomass utilization methods, and the PDFs are found in Chapter 2 of the revised EA.

III. DECISION RATIONALE

A. Plan Conformance

This decision is in conformance with the following plans:

- *Final Supplemental Environmental Impact Statement and Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl* (Northwest Forest Plan FSEIS, 1994 and ROD, 1994)
- *Final-Medford District Proposed Resource Management Plan/Environmental Impact Statement and Record of Decision* (EIS, 1994 and RMP/ROD, 1995)

- *Final Supplemental Environmental Impact Statement: Management of Port-Orford-Cedar in Southwest Oregon* (FSEIS, 2004 and ROD, 2004)
- *Final Supplemental Environmental Impact Statement and Record of Decision and Standards and Guidelines for Amendment to the Survey and Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines* (FSEIS, 2000 and ROD, 2001) including any amendments or modifications in effect as of March 21, 2004
- *Final Supplemental Environmental Impact Statement Clarification of Language in the 1994 Record of Decision for the Northwest Forest Plan National Forests and Bureau of Land Management Districts Within the Range of the Northern Spotted Owl, and Proposal to Amend Wording About the Aquatic Conservation Strategy* (FSEIS, 2003 and ROD, 2004)
- *Medford District Integrated Weed Management Plan Environmental Assessment* (1998) and tiered to the *Northwest Area Noxious Weed Control Program* (EIS, 1985)

The Glendale Resource Area is aware of the August 1, 2005, U.S. District Court order in Northwest Ecosystem Alliance et al. v. Rey et al. which found portions of the *Final Supplemental Environmental Impact Statement to Remove or Modify the Survey and Manage Mitigation Measure Standards and Guidelines* (January, 2004) (EIS) inadequate. The Glendale Resource Area is also aware of the January 9, 2006, court order to:

- set aside the 2004 Record of Decision *To Remove or Modify the Survey and Manage Mitigation Measure Standards and Guidelines in Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern spotted Owl* (March, 2004) (2004 ROD) and
- reinstate the 2001 *Record of Decision and Standards and Guidelines for Amendments to the Survey and Manage, Protection Buffer, and other Mitigation Measure Standards and Guidelines* (January, 2001) (2001 ROD), including any amendments or modifications in effect as of March 21, 2004.

However, on October 11, 2006, the U.S. District Court entered further Order, amending paragraph three of the January 9, 2006 injunction. This most recent Order directs:

"Defendants shall not authorize, allow, or permit to continue any logging or other ground-disturbing activities on projects to which the 2004 ROD applied unless such activities are in compliance with the 2001 ROD (as the 2001 ROD was amended or modified as of March 21, 2004), except that this order will not apply to:

- a. Thinning projects in stands younger than 80 years old;
- b. Replacing culverts on roads that are in use and part of the road system, and removing culverts if the road is temporary or to be decommissioned;
- c. Riparian and stream improvement projects where the riparian work is riparian planting, obtaining material for placing in-stream, and road or trail decommissioning;

- and where the stream improvement work is the placement large wood, channel and floodplain reconstruction, or removal of channel diversions; and
- d. The portions of project involving hazardous fuel treatments where prescribed fire is applied. Any portion of a hazardous fuel treatment project involving commercial logging will remain subject to the survey and management requirements except for thinning of stands younger than 80 years old under subparagraph a. of this paragraph.”

The hazardous fuel reduction treatments proposed in the Revised Middle Cow LSR Landscape Planning Project Environmental Assessment meet exemption d. above because prescribed fire will be applied and no commercial logging is associated with these treatments. Therefore, it is my determination that this decision is in compliance with the District Court ruling as stated on page 1 of the October, 11, 2006, Order in Northwest Ecosystem Alliance et al. v. Rey et al.

The Glendale Resource Area is also aware of ongoing litigation Pacific Coast Federation of Fishermen’s Associations et al. v. National Marine Fisheries Service et al. (W.D. Wash.) related to the 2004 supplemental environmental impact statement and record of decision for the Aquatic Conservation Strategy. The Magistrate Judge issued findings and recommendations to the Court on March 29, 2006. The Court has not found this amendment to be “illegal,” nor did the Magistrate recommend such a finding. The District Court has yet to adopt the findings and recommendations and rule.

B. Alternatives Considered

The alternatives considered included the No Action Alternative (Alternative 1), which serves as the baseline to compare effects, and the Proposed Action (Alternative 2), which initiated the environmental analysis process. A description of these alternatives can be found in Chapter 2 of the revised EA. Alternative 1 was not selected because this alternative would not meet the purpose and need of the project as described in Chapter 1 of the revised EA.

C. Public Involvement

Planning of the Middle Cow LSR Project involved the public by mailing invitations to approximately 1,281 residents of the towns of Glendale and Azalea to attend a public scoping meeting provided on April 28, 2005 at the Azalea Grange Hall. About 30 local residents attended. A subsequent scoping report was mailed to those attending the meeting and to individuals and organizations that have expressed interest in Glendale Resource Area projects. The BLM received 11 public responses from either letters or emails during the scoping public comment period from April 14, 2005 to June 30, 2006. The Glendale Resource Area also accepted public comments to the Middle Cow LSR Project through the quarterly BLM Medford Messenger publication beginning in the fall of 2004. The BLM considered these comments in the development of the alternatives analyzed in Appendix 1 of the EA and fully responded to these comments in Appendix 3 of the EA.

The Middle Cow LSR Landscape Planning Project EA, including a Finding of No Significant Impact (FONSI), was made available for public comment from July 5 to August 4, 2006. The BLM received two comment letters or emails to the Middle Cow LSR Landscape Planning Project EA. These public comments were considered in reaching this decision regarding the hazardous fuel reduction treatments as described in Alternative 2 of the revised EA. BLM responses to the public comments pertaining to hazardous fuel reduction treatments are included as an Attachment to this Decision Record.

D. Agencies Consulted

The Regional Ecosystem Office (REO) and the interagency Late-Successional Reserve (LSR) Work Group have concluded the review of the documents provided by the Bureau of Land Management, Medford District regarding the proposed hazardous fuel reduction treatments proposed in the Middle Cow LSR Landscape Planning Project within South Umpqua River/Galesville Late-Successional Reserve. Treatment of activity fuels up to 3-inches in diameter has been previously reviewed by the REO and was exempted from further review. In addition to the treatment of cut materials less than 3-inches in diameter, the Middle Cow LSR Project proposed to treat slash 3- to 7-inches in diameter to further reduce the risk of large scale habitat loss from catastrophic fire. Limited underburning is proposed, primarily as a future follow-up treatment to maintain desired fuel levels. The REO, based upon the review by the LSR Work Group, concurs with the Medford District in its findings of consistency with the Standard and Guidelines (S&Gs) under the Northwest Forest Plan (NWFP).

IV. FINDING OF NO SIGNIFICANT IMPACT (FONSI)

The two letters received during the 30 day public comment period for the EA and FONSI requested additional information but did not identify a flaw in assumptions, analysis, or data that would alter the environmental analysis disclosed in the EA or conclusions documented in the FONSI. It is my determination that Alternative 2 will not significantly affect the quality of the human environment, individually or cumulatively with other actions in the general area. No environmental effects meet the definition for significance in context or intensity as defined in 40 CFR § 1508.27. Therefore an environmental impact statement will not be prepared.


V. ADMINISTRATIVE REMEDIES

This decision is a forest management decision. Administrative remedies are available to persons who believe they will be adversely affected by this decision. Administrative recourse is available in accordance with BLM regulations and must follow the procedures and requirements described in 43 CFR § 5003.


To protest a forest management decision, a person must submit a written and signed protest to the Glendale Field Manager, 2164 NE Spalding Avenue, Grants Pass, OR 97526 by the close of business (4:00 p.m.) not more than 15 days after publication of the Notice of Decision in the *Grants Pass Daily Courier* newspaper. The protest must clearly and concisely state which portion or element of the decision is being protested and why it is believed to be in error, as well as cite applicable regulations. Faxed or emailed protests will not be considered. If no protest is

received by the close of business (4:00 p.m.) within 15 days after publication of the Notice of Decision, the decision will become final. If a timely protest is received, the decision will be reconsidered in light of the statement of reasons for the protest and other pertinent information available, and a final decision will be issued in accordance with 43 CFR § 5003.3.

For additional information contact either Donni Vogel, Fire and Fuels Management Specialist, (541-471-6528) or Michelle Calvert, Ecosystem Planner, (541-471-6505) at 2164 NE Spalding Avenue, Grants Pass, OR 97526.



Katrina Symons
Field Manager, Glendale Resource Area
Medford District, Bureau of Land Management



Date

ATTACHMENT
PUBLIC COMMENT TO
THE MIDDLE COW LSR PLANNING PROJECT
ENVIRONMENTAL ASSESSMENT (EA# OR118-05-022)
AND BLM RESPONSE

The Middle Cow LSR Planning Project Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) were released for public comment from July 5, 2006 to August 4, 2006. A public notice appeared in the *Grants Pass Daily Courier* newspaper on July 5. The EA and FONSI were sent to 56 parties that had expressed an interest in the project. A total of two letters were received as a result of this scoping, one of which contained comments regarding hazardous fuel reduction treatments. Public comments (direct quotes) pertaining to hazardous fuel reduction treatments and Bureau of Land Management's (BLM) responses to those comments are presented in this Attachment to the Decision Record for Hazardous Fuel Reduction Treatments within the Revised Middle Cow LSR Landscape Planning Project Environmental Assessment (EA# OR118-05-022).

Joseph Vaile, Campaign Director, Klamath Siskiyou Wildlands Center (KS Wild)

Comment 1: *Very similar stands that have been identified for treatment in LSRs, such as the Rum Creek project on the Grants Pass Resource Area, recently received our endorsements. Tens of thousands of acres of fuel treatments, thinning of fire-excluded forests and thinning of plantations have received our endorsement on the Medford BLM over the past several years. We are working to encourage the Forest Service and BLM to work on more of these projects.*

BLM Response: The BLM appreciates KS Wild's support of the approximate 2,500 acres of hazardous fuel reduction treatments proposed in the Middle Cow LSR Project to treat areas where existing vegetation and fuel loading pose a wildfire hazard.

Comment 2: *The direction of fire spread (backing, flanking, heading) is an important aspect of fire behavior because fires interact with weather, topography and vegetation to back and flank around certain conditions or head through others as they move across a landscape (Rothermel 1983, Graham et al. 2004). Steep topography can facilitate wind-driven convection currents that drive radiant heat upward and bring flames nearer to adjacent, unburned vegetation, thus pre-heating fuels and amplifying fire intensity as it moves upslope (Agee 1993, Whelan 1995). As a result, highly severe fire effects can concentrate at upper slope positions and on ridges, whereas severe fire effects are relatively rare on the lee side of slopes that do not receive frontal wind (Finney 2001, Taylor and Skinner 1998).*

Given the topographic diversity of the Middle Cow, Westside, and Bonny Skull planning areas and the unique acceptance of weather patterns during fire season, fuel treatments should be distributed with spatial patterns of fire spread in mind. Overlapping patterns

of fuel treatment that reduce vertical fuel continuity can fragment the most extreme fire effects into smaller patches if they disrupt heading fires and increase the area burned by flanking fires (Finney 2001). Treatments on slope aspects facing away from frontal winds are a lesser priority because backing fires are most likely to exhibit mild behavior and intensity.

Implement fuel reduction first in areas where relatively little resource investment may be able to create relatively fire resilient stand conditions. This may include low-productivity sites with little encroachment of small trees (e.g., dry southerly aspects) and open stands dominated by large conifers or hardwoods (e.g., existing fuel breaks). Targeting initial work in these areas will maximize the area to be treated with available funds and personnel, and thereby provide the greatest opportunity to quickly reduce fuels and restore ecosystem function at larger spatial scales.

BLM Response: Although not expressly addressed in the EA, the goal of the Fire and Fuels program of the Medford District BLM is to strategically situate hazardous fuels reduction units on the landscape to allow for maximum effectiveness of the treatments. This strategic planning inherently involves prioritization and consideration of local fuel, weather, and topographical characteristics.

Comment 3: *Page 68 of the LSRA estimates that up to 5,000 acres of the LSR could be treated per decade in order to accomplish risk reduction or habitat manipulation. Please note that the LSRA anticipates that 80% of the treatment areas would be subject to fuels/risk reduction while 20% would be subject to habitat manipulation. The Middle Cow project does not reflect those priorities. Instead the scoping notice proposes 1,236 acres of density management and 2,501 acres of hazardous fuel reduction. Our organizations support proposed hazardous fuels treatment consisting of slash/hand pile/burn methods. We bring to your attention that the 1,236 acres of (predominately mid and late-seral) habitat manipulation would impact more than the acreage anticipated by the LSRA. The current ratio of density management to fuels/risk reduction does not reflect the findings or projections of the LSRA.*

BLM Response: The overall projection in the LSRA is not limited to just the Middle Cow LSR Project, but in consideration of all proposed projects within the South Umpqua/Galesville LSR. As discussed in Appendix 3 (Public Comment to Middle Cow LSR Landscape Planning Project Scoping Report and BLM Response): “The 5,000 acres guideline is referencing hazardous fuels reduction. The LSRA also suggests the following treatment acreages within the next 10 years: 2,000 acres in 40-80 year old stands, 7,000 acres in sapling stands (20-40 years), and 3,000 acres in 10-20 year old planted stands. The total of these acreages is 22,000 acres. The 20% habitat manipulation noted in the comment relates to the use of prescribed fire in hazardous fuel reduction treatments where areas would not be commercially harvested at this time, such as underburning, handpile burning, creation of buffers and fuel breaks, or burning of meadows. The combined use of hazardous fuels reduction in this LSR approximates at 3,160 acres, from the 2,500 acres proposed under this project and 660 acres of current and foreseeable projects on BLM and Forest Service within this LSR” (EA, p. 149).